

## **REMARKS**

The Applicant respectfully requests reconsideration in view of the following remarks and the above amendments. Claims 1, 7, 15, 21, and 25 have been amended. No claims have been added or cancelled. Accordingly, claims 1-30 remain pending in the application.

### **I. Examiner Interview Summary**

A telephone interview with Examiner Shaq Taha and Examiner Jeff Pwu was conducted on October 23, 2008 in which the Applicant's Attorneys Dimitri Kirimis and Jonathan S. Miller presented proposed amendments to independent claims 1, 7, 15, 21, 25. The Applicant's Attorneys and the Examiners discussed whether the proposed amendments overcome the 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) rejections in the Final Office Action.

Examiner Taha acknowledged in the Interview, as well as in the Interview Summary mailed October 30, 2008, that the proposed amendments to claims 15, 21 and 25 overcome Matena. Moreover, Examiner Taha stated that claim 1 would overcome Matena if proposed claim 1 were further amended to state "generating a packet, on one of the non-Java-based server nodes,...forwarding the packet to the destination Java-based server node from the intermediate server based on the address provided in the header of the packet by synchronizing the packet header such that it can be decoded by a destination server." Further, Examiner Taha stated in the interview that claim 7 would overcome Matena if proposed claim 7 were amended to state "a message server coupled between the first and second instances to establish communication there between the first and second instances by synchronizing each packet header such that it can be decoded by a destination server." Thus, an agreement was reached to amend claims 1, 7, 15, 21, and 25 to overcome Matena.

### **II. Claims Rejected Under 35 U.S.C. § 102**

Claims 15-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,302,609 issued to Matena et al. (hereinafter "Matena").

The Examiner acknowledged in the Interview held on October 23, 2008 and in the Interview Summary mailed October 30, 2008 that claims 15 and 21 as currently amended overcome Matena. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

Claims 16-20 and 22-24 depend from independent claims 15 and 21, respectively, and incorporate the limitations thereof. Thus, at least for the reasons discussed above in regard to the independent claims 15 and 21, Matena does not teach each element of the dependent claims. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

### **III. Claims Rejected Under 35 U.S.C. § 103**

Claims 1-6 and 25-30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,302,609 issued to Matena et al. (hereinafter "Matena") in view of U.S. Patent Application Publication No. 2005/0108395 by Brey et al. (hereinafter "Brey"). Claims 7-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matena in view of U.S. Patent Application Publication No. 2003/0037148 by Pedersen et al. (hereinafter "Pedersen").

In regard to claim 1, this claim has been amended to recite "maintaining a list of services performed by the Java-based server nodes; and maintaining a list of services performed by the non-Java-based server nodes." This amendment is supported, for example, by original claims 3 and 4. In the Interview held on October 23, 2008 and in the Interview Summary mailed October 30, 2008, the Examiner agreed that claim 1 as currently amended is not obvious based on the combination of Brey and Matena. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 for being unpatentable over the combination of Brey and Matena.

In regard to claim 7, this claim has been amended to recite "a message server coupled between the first and second instances to establish communication there between the first and second instances by synchronizing each packet header such that it can be decoded by a destination server" (emphasis added). This amendment is supported, for example, by paragraph [00019] of the Specification. In the Interview held on October 23, 2008 and in the Interview Summary mailed October 30, 2008, the Examiner agreed that claim 7 as currently amended is not obvious based on the combination of Pedersen and Matena. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 7 for being unpatentable over the combination of Pedersen and Matena.

In regard to 25, this claim has been amended to recite “means for generating a packet such that a header of the packet specifies an address of a destination Java-based server node; means for indicating that the packet is generated by a non-Java based server node” (emphasis added). This amendment is supported, for example, by paragraph [00028] of the Specification. In the Interview held on October 23, 2008 and in the Interview Summary mailed October 30, 2008, the Examiner agreed that claim 25 as currently amended is not obvious based on the combination of Brey and Matena. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 25 for being unpatentable over the combination of Brey and Matena.

Claims 2-6 and 26-30 depend from independent claims 1 and 25, respectively, and incorporate the limitations thereof. Thus, at least for the reasons discussed above in regard to the independent claims 2-6 and 26-30, the combination of Matena and Brey does not disclose each element of the dependent claims. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

Claims 8-14 depend from independent claim 7 and incorporate the limitations thereof. Thus, at least for the reasons discussed above in regard to the independent claim 7, the combination of Matena and Pedersen does not disclose each element of the dependent claims. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-30, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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Dated: 11/06, 2008

  
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Jessica Huester

November 6, 2008